

**Meeting Minutes**  
**Plan & Zoning Commission Meeting**  
Tuesday, December 2, 2014  
Ankeny City Hall – City Council Chambers  
410 W. First Street, Ankeny, Iowa

**CALL TO ORDER**

The December 2, 2014 meeting of the Plan & Zoning Commission was called to order at 6:30 pm by Chairman L. West.

**ROLL CALL**

Members present: T. Flack, D. Fliger, D. Godwin, G. Hunter, P. Mollenhauer, S. Odson, L. Voigt, L. West.  
Absent: T. Ripper. Staff present: E. Jensen, E. Carstens, E. Bodeker, J. Gould, T. Kuhn.

**AMENDMENTS TO THE AGENDA**

Motion by G. Hunter to accept the agenda as submitted. Second by T. Flack. All voted aye. Motion carried 8 – 0.

**COMMUNICATIONS**

There were no communications.

**CITIZEN'S REQUEST**

There were no requests.

**CONSENT AGENDA ITEMS**

**Item #1. Minutes**

Motion to approve and accept the November 18, 2014 minutes of the Plan & Zoning Commission meeting.

**Item #2. 389 SE Oralabor Road – Site Plan**

Consider motion to approve the site plan for 389 SE Oralabor Road.

**Item #3. D & P Plat 1 – Final Plat**

Consider motion to recommend City Council approval of D & P Plat 1 Final Plat.

**Item #4. Piper Properties Plat 1 – Final Plat**

Consider motion to recommend City Council approval of Piper Properties Plat 1 Final Plat; City Council approval of cost participation for construction of cast iron truncated domes along NW Reinhart Drive and NW Maple Street in an amount estimated to be \$1,400.00; City Council approval of additional sidewalk width for the 8' trail along NW Reinhart Drive in an amount estimated to be \$30,332.19; City Council approval of additional pavement for street widening to 37' at the intersections of NW Reinhart Drive/N Ankeny Boulevard and the intersection of NW Reinhart Drive/NW Ash Street in an amount estimated to be \$5,940.00; City Council approval for upsizing of water main to 12" along N Ankeny Boulevard in an amount estimated to be \$1,925.00; subject to staff approval of construction plans.

Referencing Item #2, 389 SE Oralabor Road, D. Fliger commented that the site plan shows a 6-foot wood boundary fence but does not specify that the dumpster itself will be enclosed.

Chris Murray, Denny Elwell Company, 2401 SE Tones Drive responded that the dumpster will be separately enclosed and well maintained.

S.Odson asked if the drive shown extending to the southern portion of the property goes anywhere or just provides access to the laydown yard. Mr.Murray responded that it will just provide access to the outdoor storage area.

Motion by D.Fliger to approve the recommendations for Consent Agenda Items #1 - #4. Second by L.Voigt. All voted aye. Motion carried 8 – 0.

## **PUBLIC HEARINGS**

### **Item #5. Finnland Investment LLC request to amend the Comprehensive Plan Future Land Use Map from Medium Density Residential land use to Mixed Use 1 Neighborhood Commercial land use classification.**

Chairman L.West opened the public hearing.

**Staff Report:** J.Gould reported that the subject property is 1613 NE Delaware Ave, located on the southeast corner of the intersection of NE Delaware Ave. and NE 18<sup>th</sup> Street. The request is to amend the 2010 Ankeny Comprehensive Plan from the existing Medium Density Residential land use to Mixed Use 1 Neighborhood Commercial classification. Presenting a portion of the land use map, J.Gould noted that a large portion of the map shows Medium Density Residential, with parks to the north. Mixed Use 1 is a neighborhood commercial designation with less intensive commercial uses. She reported that if the proposal is approved by City Council, a rezoning petition, final plat and site plan will be forwarded for review and recommendation by the Commission. She added that this would be the only commercial land use designation within this area.

T.Flack asked if there were any other areas in the city with a similar plan designation. J.Gould responded that there are none she can think of at this time, adding that in areas where there's a Commercial designation, it's typical for the intensity of surrounding uses to decrease; it would not be abnormal to see commercial surrounded by medium density residential.

D.Godwin asked what the land uses are at NE 36<sup>th</sup> Street and NE Delaware Avenue and further to the south at SE Magazine Road and SE Delaware Avenue. J.Gould responded that three corners at NE 36<sup>th</sup> St & NE Delaware Ave are Parks, the northwest corner is designated Medium Density Residential. The areas on either side of NE Delaware Ave, south of NE 36<sup>th</sup> Street, are designated as Low Density Residential. The west side of SE Delaware Ave at SE Magazine Rd is Low Density Residential and the east side is Medium and High Density Residential.

D.Fliger asked that staff provide an update on the status of the proposed bridge across the Interstate at NE 18<sup>th</sup> Street and the status of the DRA upscale townhome project proposed to the north of this parcel in the staff report that will be prepared for the next meeting.

S.Odson asked that the future plan for NE Delaware Ave be included in the report as well.

Sue Shivers, veterinarian at Creature Comforts Animal Hospital at 1555 SE Delaware Avenue stated that the property was owned by Don and Deanna Wahl who resided at the home on the property for the last 50 years. She stated that the home was not updated in 50 years and the owners, at one time, had 50 cats. She said that following the death of Deanna she assisted Mr.Wahl in coming into compliance with just 4 cats and filled several dumpsters to create a more livable space. She said that Don passed away in March, the estate will go to charity and she was named as executor. She said that Mr.Wahl suggested several times that after his passing, she and her family may like to live in the home. She suggested that she could put her veterinary clinic there and he responded "wouldn't that be something". Ms Shivers stated that the house would need to be completely gutted in order to become a habitable space. She said the City's plan is to extend NE 18<sup>th</sup> Street across the Interstate and

connect into NE Frisk Drive, creating a busy roadway where no one will likely want to build a house. She said that she has spoken with a number of surrounding neighbors and has their signatures to allow a rezoning to go forward. She said a clinic is a nice quiet place. The plan is to make the clinic brick and mortar to fit into the neighborhood.

D.Fliger asked if the clinic would be residential looking and asked how busy the clinic might be. Ms Shivers said that it will look residential although she has no plans at this time. She said a survey of her current clinic shows 4 to 8 cars per hour.

D.Fliger asked if the intersection of NE Delaware Ave and NE 18<sup>th</sup> Street is signalized. Ms Shivers said that it is.

Chuck Bach resident at 1020 NE 18<sup>th</sup> Street said that in 1971 he purchased 160 acres north of what's currently 18<sup>th</sup> Street, west of NE Delaware Ave with the plan to develop a nice residential neighborhood for the City of Ankeny. He related how over the years, the land developed and how he has worked with developers and the city to maintain larger lot single family homes. He stated that he recently met Ms.Shivers and she indicated that she would like to change the zoning of the parcel to commercial. He responded to her that there was no way they would allow the land to be changed from residential to commercial, adding that Dr.Wahl would never allow that it. She responded that Dr. Wahl no longer owned the property, she did. Mr Bach said that there is no reason to change the property to commercial, it will cause others to request a change in zoning on their property; there is no need for additional commercial, there is plenty available. He commented that the notice sign posted on the property is very difficult to read.

Dan Horner, 1705 NE Lowell Court said he agrees with what Mr.Bach said. He is concerned, that if this is approved what happens if the business fails, with other types of businesses would be allowed to come in. D.Godwin responded that a commercial designation allows for a number of commercial uses. E.Carstens said that only the land use is under consideration at this time, staff has indicated to the applicant the city will suggest limitations be placed on allowable uses during the rezoning process, if this plan moves forward. Mr.Horner said they are the most affected property and he is concerned with the type of things that come with a business and customers that don't have the same concerns as the neighborhood residents such as crime and trash. Mr. Horner said he understands this is a larger business with a number of employees. He asked what type of signage would be allowed.

David Luers, 1555 SE Delaware Ave. said that churches have offered to purchase the property, they are an allowed use and would not be required to go through this process. He said he worked for the City of Fort Dodge for many years, he is not opposed to churches, but it seems strange to him that the location would be good for a church; he understands their impact on the tax rolls. He believes that the house will not stand and a veterinary clinic may not be the worst thing to go in there.

Motion by T.Flack to close the public hearing and receive and file documents. Second by L.Voigt. All voted aye. Motion carried 8 – 0.

D.Godwin asked if everyone within 250-feet was notified of the hearing. Staff responded that because it is a consideration to amend the comprehensive plan, property owners within 350 feet were notified. He commented that the sign was too small to read. J.Gould responded that the size requirement is based on the speed limit, at 35 mph code a 2' x 2' sign is allowed.

S.Odson commented that if this change is not approved, it appears that it could develop as high density housing. He asked how many units would be allowed. E.Carstens responded that 10 units per acre would be allowed for the land use, however, the property is currently zoned as R-1. S.Odson asked if

access to this site would be required to be off of NE 18<sup>th</sup> Street. E.Jensen responded that they have not done a site review.

L.West advised those in attendance that the item will be brought back at the next Commission meeting for consideration and recommendation.

## **BUSINESS ITEMS**

### **Item #6. Five Star Development No IV LLC request to rezone property from R-1 (One-Family Residence District) to R-3 (Multiple Family Residence District) and PUD (Planned Unit Development) zone districts**

**Staff Report:** E.Bodeker reported that Five Star Development No IV, LLC is requesting to rezone property from R-1, to R-3 and PUD. The subject property is located south of NW 36th Street, west of NW State Street and Fieldstream Apartments, and east of NW Irvinedale Drive. Referencing the proposed plan exhibit, she identified Area 'A' as 13.71 acres proposed to be rezoned to PUD and Area 'B' as 3.08 acres proposed to be rezoned to R-3. Area A, the proposed PUD, is a new senior living community. The initial development includes a 80,000 sf, one-story building that houses long term nursing home residents, short term skilled nursing residents, assisted living memory care units, common areas and physical therapy services. Proposed future phases include an apartment assisted living addition, additional assisted living memory care units, a care coordination office and 9 duplex villas. The proposed PUD plan shows 2 access points off of NW 36th Street, one is an extension of NW Abilene Rd. and the other is a private drive that circles the development and connects back to NW Abilene Road. The PUD requires traditional residential building forms and materials that are consistent with the Midwest. Area 'B' is east of the extension of NW Abilene Road and is proposed to be rezoned to R-3, Multiple-Family Residence District without any restrictions. At the public hearing held on November 18, 2014 there was a brief discussion with the ownership group. Staff's recommendation is that the Plan and Zoning Commission recommend City Council approve the request to rezone property owned by Five Star Development No IV, LLC from R-1 to PUD and R-3 and to accept The Bridges at Ankeny PUD.

D.Fliger commented that the Master Plan does not identify anything related to the area proposed to be zoned R-3. E.Bodeker responded that Area B is proposed as R-3 zoning and will continue through the normal platting process. The master plan only addresses the area proposed as PUD. D.Fliger asked what Phase 4 - care coordination office refers to. Tom Martin representing the architectural firm for the Community Living Solutions project stated that Phase 4 is a placeholder in the event that a medical office component is included in the future. D.Fliger asked if there will be any relationship between Area A and Area B. Mr.Martin responded that there one common owner between Area A and Area B, and that is John Grubb, however there have been no discussions that the use of Area B will be directed toward seniors.

D.Godwin asked what the zoning classification is for the area east of Area B. Staff responded that it is PUD, developed as the Fieldstream apartments.

Motion by L.West to recommend City Council approve the request to rezone property from R-1 to R-3 and PUD zone districts and accept The Bridges at Ankeny PUD Plan. Second by L.Voigt All voted aye. Motion carried 8 – 0.

## **REPORTS**

### **City Council Meeting**

T.Flack reported on her attendance at the December 1<sup>st</sup> City Council meeting.

### **Director's Report**

E.Jensen presented the tentative agenda items for the December 16, 2014 meeting and the November Building Permits Report.

### **Commissioner's Reports**

S.Odson asked staff to look into the size requirements of the public hearing notification signs.

S.Odson asked if there is development underway in the southwest portion of Ankeny, west of NW 16th Street in the county. Staff responded that they have met with potential developers adding that it is a difficult area to sewer.

S.Odson asked why the City Development Board has not forced annexation of islands within the City.

E.Jensen responded that generally, there is some type of action by the County to initiate that.

## **MISCELLANEOUS ITEMS**

Staff will verify that T.Ripper will attend the December 15, 2014 City Council meeting.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:20 pm.

Submitted by Trish Kuhn, Secretary

Plan & Zoning Commission